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10/627,190	07/25/2003	Kerry T. Ward	SC 035	2693

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EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**Commissioner for Patents**

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed on 10/27/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted claims 24-43 are directed to an invention that is independent or distinct from the invention originally claimed (claims 1-23, now cancelled) for the following reasons:

Group I, original claims 1-20, drawn to a method for making a screen assembly.

Group II, original claim 21, drawn to a method for making a screen assembly.

Group III, original claims 22-23, drawn to a screen assembly.

Group IV, new claims 24-38, drawn to a method for making a screen assembly.

Group V, new claims 39-43, drawn to a method for making a screen assembly.

Inventions I and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the heating apparatus of the combination does not require any of the particulars associated with the heating apparatus of the subcombination. The subcombination has separate utility such as a screen assembly, as evidenced by claim 24.

Inventions I and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the

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subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the cooling apparatus of the combination does not require any of the particulars associated with the cooling apparatus of the subcombination. The subcombination has separate utility such as a screen assembly, as evidenced by claim 39.

Inventions II and IV and are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a heating apparatus at all. And even if it did, such a combination would not require the particulars of the heating apparatus of the subcombination. The subcombination has separate utility such as a screen assembly, as evidenced by claim 24.

Inventions II and V and are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the cooling apparatus of the combination does not require any of the particulars associated with the cooling apparatus of the subcombination. The subcombination has separate utility such as a screen assembly, as evidenced by claim 39.

Inventions III and IV or V are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the screen assembly could be made without using a heating and/or cooling apparatus.

Inventions IV and V and are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the cooling apparatus of the combination does not require any of the particulars associated with the cooling apparatus of the subcombination. The subcombination has separate utility such as a screen assembly, as evidenced by claim 39.

Since applicant has received an action on the merits for the originally presented invention, claims 1-23, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

However, claims 1-23 have been cancelled and therefore Applicant is directed to see 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is

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longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JESSICA ROSSI  
PRIMARY EXAMINER**

